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# Security Council

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**Security Council Committee established pursuant to resolution 1540 (2004)**

## Note verbale dated 22 October 2004 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Permanent Mission of Romania to the United Nations and, with reference to note verbale No. SCA/10/04(02) from Mr. Mihnea Ioan Motoc, Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), has the honour to transmit herewith the report of the Swiss Government concerning the implementation of Security Council resolution 1540 (2004) (see annex).

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## Annex to the note verbale dated 22 October 2004 addressed to the Chairman of the Committee by the Permanent Mission of Switzerland to the United Nations

## Report of the Swiss Government concerning the implementation of Security Council resolution 1540 (2004)

### Switzerland's policy on weapons of mass destruction

Switzerland does not provide any form of support to non-State actors likely to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support would be contrary to Swiss legislation, Switzerland's international obligations, and the policy which it pursues at the international level.

### 1. National legislative bases

Article 7 of the Federal Law of 13 December 1996 concerning war materiel prohibits "the development, manufacture, procurement as intermediary, acquisition, delivery to any destination, import, export, carriage in transit or storage of nuclear, biological or chemical weapons or disposition of such weapons in any other way".

The same article contains a prohibition on inciting any person to commit any of the acts mentioned above or facilitating such commitment. This prohibition also applies to acts committed abroad if such acts violate international law agreements to which Switzerland is a party and if the perpetrator is Swiss or domiciled in Switzerland.

The maximum penalty for violation of the comprehensive prohibition of weapons of mass destruction is imprisonment for 10 years and a fine of 5 million Swiss francs. Attempted violation and participation in a violation are also subject to punishment.

### 2. Fulfilment of Switzerland's international commitments

Switzerland complies with the most recent international rules on control of the export and on the security of materials which are dangerous and/or critical from the standpoint of the proliferation of weapons of mass destruction.

(a) Switzerland is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. It is a member of the Organization for the Prohibition of Chemical Weapons and has concluded and brought into force a safeguards agreement with the International Atomic Energy Agency (IAEA). Pursuant to these international instruments, enterprises and institutions working in the nuclear, chemical or biological fields are obliged to report on their activities and to undergo inspections by international inspectors.

(b) On 16 June 2000 Switzerland signed an additional protocol to its IAEA safeguards agreement, which should enter in force early in 2005.

(c) Switzerland is a party to the Convention on the Physical Protection of Nuclear Material of 3 March 1980.

(d) Switzerland has established an advanced system of controls at its borders and within the country to combat illicit trafficking in controlled goods and technology. The police authorities recently introduced a prevention programme designed to enhance the vigilance of enterprises working in fields which are critical from the proliferation standpoint. The control authorities maintain close links with their counterparts in other countries with regard both to the prevention and to the suppression of illicit trafficking with a view to proliferation.

(e) Switzerland is a member of the exports control bodies for weapons of mass destruction, i.e. the Nuclear Suppliers Group, the Zangger Committee, the Australia Group, and the Missile Technology Control Regime. It has incorporated in its national legislation the exports directives and the control lists issued by these bodies. Accordingly, an individual or general export licence is required for any export of a controlled item. A licence is refused if such export is incompatible with Switzerland's international obligations, the non-legally-binding international control measures to which Switzerland subscribes or embargo measures, or if there are grounds for believing that the items in question would be used for the purposes of terrorism or organized crime.

(f) The Order on the control of such goods also contains a "catch-all" clause obliging the exporter of a non-controlled item to obtain authorization for the proposed export when he knows or has been informed by the competent authorities that the item in question is or may be intended for a programme for the production of weapons of mass destruction or their means of delivery.

(g) With a view to preventing the transport of weapons of mass destruction, their means of delivery and related materials to or from States and non-State actors, Switzerland endorses the principles of the Proliferation Security Initiative and cooperates closely with the other States participating in this initiative.

(h) With regard to the international initiatives launched as part of the global campaign against the proliferation of weapons of mass destruction, in May 2003 Switzerland joined the G-8 Global Partnership and plays a part in global chemical disarmament.